(3)

Single Bench (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 918 /2005

PETITIONER

Ram Prasad Verma S/o- Salik Ram aged about 46 years, At present – President, Water Shade Committee, R/o- Village- Etai, Block Navagarh, District Durg (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through the Secretary, Panchayat and social Welfare Department, D.K.S.Bhawan, Raipur (C.G.)
2. The Collector, District Durg (C.G.)
3. The Chief Executive Officer Zila Panchayat Durg District Durg (C.G.)
4. The Project Officer Water Shade (Jal Grahan) Mission, Ghoghra Nala, Navagarh, District Durg (C.G.)

P.R. No. 909/05 Presented by Shri ... dated ...

RECEIVED COPY 33.05 BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 918 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

~~16-3-2005~~

Mr. F.S. Khare, counsel for the petitioner.

Mr. Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1, 2 and 4.

Heard both the counsel on admission.

The petitioner, who was the President of erstwhile Water Shed Committee, Village: Itai, District: Durg, has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 10-2-2005 (Annexure P-9), whereby the Project Officer, Water Collection Area, Vikas Khand: Navagarh has been informed that as per his communication approval from Gram Sabha has been taken and the Gram Sabha has proposed for dissolution of Water Shed Committee, Village: Itai, therefore, he is directed to act in accordance with the guidelines, 2001.

The petitioner's case is that the Water Shed Committee, Itai, was registered vide Annexure P-1 and accordingly, it was constituted. Without any complaint against the petitioner's Committee, respondent No.3 has directed the Project Officer to act in accordance with the guidelines, 2001.

Learned counsel for the petitioner argued that the Committee was constituted in the year 2001 and the Committee is being removed without following the procedure envisaged in Water Shed Committee Rules, 2001.

Having heard learned counsel for the parties, I have perused the petition. Copy of the order whereby the petitioner's Committee was constituted has not been placed on record to show that for how much period the Committee was constituted. Moreover, the Water Shed Committee Rules envisage that by resolution of the Gram Sabha or by the Project Officer, the Committee can be removed. Perusal of the order Annexure P-9 reveals that

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (35)

आदेश पत्रक

मामला क्रमांक W.P.918/ सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the Gram Sabha has already resolved to remove the Committee. Perusal of the representation Annexure P-10 submitted by the petitioner herein to the Chief Executive Officer, District Panchayat: Durg, shows that a resolution by Gram Sabha was already passed for removal of the Committee, but the only grievance raised by the petitioner is that resolution of the Gram Sabha has been passed in the absence of the members of the Committee. The Water Shed Committee Rules no where envisage that the Gram Sabha would consider the removal proposal in presence of the members of the Water Shed Committee. It appears that there were certain complaints against the petitioner's Committee and that is why the Chief Executive Officer directed the Project Officer to consider the proposal and act in accordance with the Water Shed Committee Rules. So far, no order has been passed for removal of the petitioner's Committee.

In the circumstances, I do not find any substance in this writ petition, and it is liable to be dismissed, accordingly, it is dismissed in limine.

Consequently, M.(W.)P.No.736/2005, I.A.No.1792/2005 & 1793/2005 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Soma

4.4.05

(पीछे देखिये)